

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DAVID BENITEZ, individually and on behalf  
of other employees similarly situated, Plaintiff  
v.

G.A.P. SPARTA FOOD SERVICE, INC. d/b/a  
SAVOURY RESTAURANT AND PANCAKE  
CAFÉ, LTD., AND PETER PANAGAKIS,  
individually, Defendants

Case No. 15-cv-3355

Judge St. Eve

**JOINT STIPULATION OF DISMISSAL**

COME NOW Plaintiff David Benitez and Defendants G.A.P. Sparta Food Service, Inc.  
and Peter Panagakis, individually, by and through their respective attorneys, pursuant to Rule  
41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, stipulate as follows:

1. The parties reached an agreement to settle this matter, and have since drafted, and have executed a Settlement Agreement.
2. The parties' settlement provides for a series of installment payments to be made by Defendants to Plaintiff, with the final installment payment to be made no later than October 20, 2015.
3. The parties therefore stipulate that this matter shall be dismissed in its entirety, **without prejudice**, with each party incurring its own attorneys' fees and costs, except as otherwise provided for by agreement of the parties.
4. On October 30, 2015, absent a motion by either party to reopen this matter for the purpose of enforcing the settlement agreement, the dismissal of this matter shall convert automatically to a dismissal **with prejudice**.

Jointly stipulated to this 3rd day of August, 2015.

DAVID BENITEZ

G.A.P. SPARTA FOOD SERVICE, INC.  
and PETER PANAGAKIS, individually,

By: /s/ David Stevens  
One of his attorneys

By: /s/ Harry J. Secaras  
One of their attorneys

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